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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,150	12/05/2005	Eisuke Hori	2271/75585	9064
23432 7590 05/15/2008 COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER VO, ANH T N				
ART UNIT 2861		PAPER NUMBER		
MAIL DATE 05/15/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,150

Applicant(s)

HORI ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 12-18, 21, 22 and 25-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11, 19, 20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/5/05; 12/10/07; 4/29/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election /Restriction

Applicant's election without traverse of specie II readable on claims 6-11, 19-20 and 23-24 in the reply filed on March 18, 2008 is acknowledged.

Claims 1-5, 12-18, 21-22 and 25-54 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on March 18, 2008. The claims 1-5, 12-18, 21-22 and 25-54 should be cancelled.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Information Disclosure Statement

The references cited on PTO 1449 form have been considered.

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-11, 19-20 and 23-24 are rejected under 35 USC 102 (b) as being anticipated by Ohashi et al. (US Pat. 6,712,460).

Ohashi et al. disclose in Figures 1, 6A-8 and 16 an ink cartridge for an ink jet printer comprising:

6. a liquid container (200) comprising a container main body (222) that forms a liquid accommodating portion for accommodating the liquid (217) (Figure 6A);

a flexible film member (201) that is attached to the container main body (222) and is adapted to seal an opening of the liquid accommodating portion (Figure 6B);

and an air flow path (205) that is formed at the container main body (222) and is adapted to discharge air from the liquid accommodating portion; wherein the air flow path (205) includes a flow path portion that does not have a wall formed by the flexible film member (201) (Figures 6A-6B).

7. wherein the air flow path (205) includes a trench (215) formed at the container main body (222), and a through hole (214) that is formed at a wall blocking a portion of the trench (Figure 6A).

8. wherein the through hole (214) is formed at a position that is detached from a flow path edge line formed by the trench (215) and the film member (201) (Figure 6B).

9. wherein a length of the through hole (214) is arranged such that the liquid (216) does not pass through the through hole (217) when the liquid container (200) is in use and vibration occurs (Figure 6A).

10. wherein a diameter of the through hole is arranged such that the liquid (216) does not pass through the through hole when the liquid container is in use and vibration occurs (Figures 6A and 7-8).

11. wherein the air flow path (205) includes an accumulation portion that accumulates liquid entering the air flow path (Figure 6A).

19. a liquid container (1 or 200) including a container main body (222) that forms a liquid accommodating portion for accommodating the liquid, a flexible film member (201) that is attached to the container main body (222) and is adapted to seal an opening of the liquid accommodating portion, and an air flow path that (205) is formed at the container main body (222) and is adapted to discharge air from the liquid accommodating portion, and a liquid supply unit (main tank 57) for supplying liquid to the liquid container (1 or 200); wherein the air flow path (205) includes a flow path portion that does not have a wall formed by the flexible film member (201) (Figures 1 and 6A-6B).

20. an atmospheric release unit (52) for opening the air flow path of the liquid container (1 or 200) to the atmosphere (Figure 1).

23. a liquid supply apparatus that includes a liquid container (1 or 200) having a container main body (222) that forms a liquid accommodating portion for accommodating the liquid, a flexible film member (201) that is attached to the container main body (222) and is adapted to seal an opening of the liquid accommodating portion, and an air flow path (205) that is formed at the container main body and is adapted to discharge air from the liquid accommodating portion (Figures 1 and 6A-6B); and

a liquid supply unit (57) for supplying liquid to the liquid container (1 or 200), wherein the air flow path (205) includes a flow path portion that does not have a wall formed by the flexible film member (201) (Figures 1 and 6A-6B).

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24. wherein the liquid container (1 or 127) of the liquid supply apparatus is installed in a carriage (2 or 130) that implements the recording head (133) (Figures 1 and 16).

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These prior art references (US Pat. 5,963,237; US Pat. 6,520,630; US Pat. 6,540,321; US Pat. 6,773,099) cited in the PTO 892 form show an ink cartridge which is deemed to be relevant to the present invention. These references should be reviewed.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (571) 272-2262. The examiner can normally be reached on Monday to Friday from 9:00 A.M. to 5:30 P.M. The fax number of this Group 2861 is (703) 872-9306.

/Anh T.N. Vo/

Primary Examiner, Art Unit 2861

May 13, 2008